



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Applicant : Ian M. Davis et al.  
Serial No. : 10/807,716  
Filed : March 24, 2004  
For : PROCESS FOR PRODUCING SEMI-  
CONDUCTOR COATED SUBSTRATE  
Examiner : Unknown  
Art Unit : Unknown  
Attorney Docket No. : M02A241

-----

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450

ON October 25, 2004

NAME Jill S. Garretson

SIGNATURE

Commissioner for Patents  
P.O. Box 1450  
Washington, D.C. 20231

October 25, 2004

DECLARATION

Dear Sir:

I, David P. Laube, declare and say as follows:

1. I am the Vice President of Technology of BOC Edwards Kachina division of the BOC Group, Inc., the Assignee of the above-identified patent application. I am also a co-inventor of the subject matter of the above-identified application.

2. I am familiar with the research and development of the process disclosed and claimed in the above-identified application including interaction with an independent company, IDT having a business address at 3131 NE Brookwood Parkway, Hillsboro, Oregon 97124 (hereinafter "IDT") who participated in the evaluation of products produced by the claimed process and helped BOC Edwards ascertain whether the product would work for its intended purpose.

3. Samples of the product produced by the claimed process were provided to IDT by delivery to Pankaj Patel, a representative of IDT, authorized to receive the samples on a non-confidential basis pursuant to a quotation provided by BOC Edwards to IDT (to the attention of Greg Westby) on or about August 23, 2002. The samples were provided for evaluation purposes and to ascertain whether the product would work for its intended purpose. A copy of relevant correspondence and the August 23, 2002 quotation are attached hereto as Exhibit A. I did not disclose the process to IDT nor am I aware of anyone else at BOC Edwards who disclosed the process to IDT.

4. Based on information and belief, the customer could not have reasonably ascertained the process from observing and testing the product.

5. Based on information and belief, the product was tested by IDT from about August 23, 2002 until about February/March, 2003. Evidence of product testing is submitted herewith in the form of correspondence and test reports identified by Exhibit B. During this period of time I am not aware of anyone at BOC Edwards who disclosed the process of making the product to anyone at IDT.

6. In or about March of 2003, the samples were approved by IDT.

7. IDT made an offer to purchase the product through a Purchase Order which was executed on or about May 2003.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 4 OCT 2004

  
\_\_\_\_\_  
David P. Laube

C:\100\176\1761180.DEC